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FEDERAL COMMUNICATIONS COMMISSION  
OFFICE OF THE SECRETARY

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Michael H. Hammer

March 6, 2000

EX PARTE

Ms. Magalie Roman Salas  
Secretary  
Federal Communications Commission  
The Portals - 445 12th Street, S.W.  
TW-A325  
Washington, DC 20554

Re: CS Docket No. 98-120 (Carriage of the Transmissions of Digital Television  
Broadcast Stations)

Dear Ms. Salas:

On March 3, 2000, the undersigned had a telephone conversation with David Goodfriend of Commissioner Ness's office regarding the above-captioned matter. We discussed the issues raised in the pleadings filed by the National Cable Television Association in this proceeding. In particular, I explained why the Commission lacks authority, under either the Communications Act or the 1997 Balanced Budget Act, to impose a transitional digital must carry requirement that would obligate cable operators to carry duplicative broadcast content.

An original and two copies of this letter are submitted herewith in accordance with Section 1.1206(b) of the Commission's rules.

Thank you.

Respectfully submitted,

*Michael H. Hammer*

cc: D. Goodfriend, Esq.

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